IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8987 of 2001

Between:

R.Rameswara Reddy, S/o. R.Buchi Reddy,
M/s. Sri Raghu High Cutting and Slab Polishing Industries, Ramapuram Village,
Owk Mandal, Kurnool District.

..... PETITIONER

AND

1 The Chief Engineer (Operation) APCPDCL,
Vidyuth Soudha, Hyderabad.
2 The Superintending Engineer (Electy) Assessments - APCPDCL,
Mint Compound, Hyderabad.
3 The Assistant Divisional Engineer (Electricity) CCO,
Banaganapalle, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the proceedings of the 1st respondent confirmed the proceedings of the 2nd respondent with modification as illegal and arbitrary and consequently direct the respondents to forbear from disconnecting the power supply to S.C.No.488, LT Cat-III, Ramapuram Village, Owk Mandal, Kurnool District and pass

Counsel for the Petitioner:MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents:Mr. N.SUBBA REDDY, Senior Counsel SMT.M.VINOBHA DEVI,Standing Counsel for A.P. TRANSCO.

The Court made the following :

ORDER:

Heard the learned counsel appearing on behalf of the petitioner and also Sri N. Subba Reddy, Senior Advocate for Smt. M.Vinobha Devi, the learned Standing Counsel appearing on behalf of the respondents.

The petitioner herein, who is running a Cutting and Slab Polishing Industries, files this writ petition, *inter alia,* seeking to assail the impugned orders of assessment made by the first respondent as confirmed by the second respondent in regard to the pilferage made by the petitioner.

The facts in brief are that when the inspection made by the respondent-authorities on 22.07.2000, it was noticed that the meter disc was not rotating even though all the motors in the factory were running and 3 No.'s yellow colour 7/18 Copper PVC cables of about 5 meter measuring in length each was found connected between the distribution transformer L.T. Fuse cutouts, and load points by keeping the main switch in 'off' position. Therefore, alleging that the petitioner was indulged in pilferage of energy, the supply was disconnected on 27.07.2000 and the provisional assessment was made at Rs.9,34,780/-. Thereafter after issuing show cause notice and also considering the explanation filed by the petitioner, the same was confirmed and even in appeal, the same was reduced to Rs.2,94,666/-.

The learned counsel appearing on behalf of the petitioner strenuously contended that in fact there was an earlier inspection made on 13.03.2000, the factum of which was not properly considered by the respondent-authorities and further in the said inspection, it was noticed that there was no such pilferage as alleged and therefore, they could not have taken arrears by calculating for any period beyond 30.03.2000.

The learned Standing Counsel appearing on behalf of the respondent-authorities sought to rebut this contention on the ground that there is absolutely no basis for such any claim.

Considering the submissions and on perusal of the material, it is seen that during the inspection, the petitioner was found to have been indulging pilferage of energy. This itself is a serious charge especially taking supply directly without putting main off. The very allegations are of such nature, which do not in fact call for any interference to be shown in favour of the petitioner. Further, having regard to the finding of the fact as arrived at by both the authorities making the petitioner's contentions, this Court cannot go into the factual appreciation under Article 226 of the Constitution of India. Merely because, there was any such inspection, it would not in any way dispel the alleged acts of pilferage nor would it in any way help the petitioner. In the circumstances, I do not find any merits in the petitioner's contest.

The writ petition is, accordingly, dismissed. No costs.

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B. PRAKASH RAO, J

20th January 2005.

Chvn.

ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER.

To

1 The Chief Engineer (Operation) APCPDCL,
Vidyuth Soudha, Hyderabad.
2 The Superintending Engineer (Electy) Assessments - APCPDCL,
Mint Compound, Hyderabad.
3 The Assistant Divisional Engineer (Electricity) CCO,
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4 Two C.D. coipies.